

:

INSTRUCTIONS FOR FILING A GARAGEKEEPER'S LIEN
TITLE 25 *Del.C.* Sections 3902-3910

I. OBTAIN THE NAMES AND ADDRESSES OF ALL OWNERS AND OTHER PARTIES WITH AN INTEREST IN THE PROPERTY.

A. For a motor vehicle,

1. Obtain a statement for each vehicle from the Division of Motor Vehicles, P.O. Box 698, Dover, DE 19901 by referencing the Vehicle Identification Number (VIN). This will list the last registered owner of the vehicle and any outstanding liens.
2. Contact the Delaware State Police Auto Theft Unit to obtain a report for each vehicle.
3. If there is no record of ownership of the vehicle in Delaware, the Court may require that additional states be checked to obtain ownership and lien information. These additional states may include any or all of the following: Maryland, Pennsylvania, New Jersey, Virginia.

B. For other property.

1. If the property is of a type for which registration of ownership is required by law, the appropriate agency must be checked for ownership.
2. If the property is of a type for which liens or other interests must be filed to be effective, the appropriate agency must be checked for liens.

II. FILL OUT THE GARAGEKEEPER'S PACKET

A. One packet should be filled out for each item of property.

B. The Court must be provided with an envelope addressed to the owner and any other parties with an interest in the property. Green cards and white slips must be included. Follow the instructions below in filling out the application

C. Instructions for filling out Application to Conduct a Lien Sale:

1. **DESCRIPTION OF THE PROPERTY.** Give a complete description of the property including any applicable identification numbers. (For a motor vehicle, give the make, year, model and VIN.)

2. **APPLICANT IS.** State the category listed under 25 *Del.C.* §3901 which applies to the applicant (e.g., hotelkeeper, innkeeper, garage owner, auction service, other person who keeps a livery, boarding stable, garage, airport, marina or other establishment – see §3901 for further information).

3. **BASIS FOR CLAIM**

a. **Ground for claim.** State whether the claim is for repairs, towing, storage, boarding, etc. If the claim is for more than one service, list all applicable services upon which the claim is based.

b. **How applicant obtained property.** Briefly state how you obtained the property. For example, did the owner bring the property to you for repairs? Did you tow the property for a third person?

c. **Date applicant obtained property.** State the day, month, and year on which you received the property in your possession.

d. **From whom applicant obtained the property.** Give the name and address of the person with whom you directly dealt in obtaining the property. For example, the person who brought the property in for repairs or the person who requested that you tow the property.

4. **AMOUNT OF CLAIM.** State the dollar amount of the claim. If the claim is based on more than one ground, e.g., both repairs and storage, indicate the amount of the claim which is for each ground. Claims should be for a commercially reasonable amount.

5. **PER DIEM AMOUNT.** The amount charged per day should be listed if the claim is for storage or boarding.

6. **OWNER(S) OF THE PROPERTY.** List the names and addresses of all owners of the property of whom you are aware. A reasonable effort to locate the names and addresses of the owners must be made. This includes checking with the appropriate agency when any registration of ownership of the property is required by law. If the property is a motor vehicle, you must obtain and attach a certificate of lien and a report from the Delaware State Police Auto Theft Unit. If the Delaware Department of Motor Vehicles has no record of ownership of a motor vehicle, the Court may require the applicant to check for ownership and auto theft with any or all of the following additional states for information on ownership: Maryland, Pennsylvania, New Jersey, Virginia. (The Court may also require that these same states be checked if other property for which ownership must be registered is involved and Delaware has no record of ownership.)

7. OTHER PARTIES WITH AN INTEREST IN THE PROPERTY.

You should list all persons with any other form of interest (such as a security interest) in the property. A reasonable effort to locate the names and addresses of all parties with an interest in the property is required. This includes checking with the appropriate agency for any property for which liens or other interests must be filed to be effective. If the property is a motor vehicle, a certificate of lien must be attached as stated in item 6 above. If the motor vehicle is not registered in Delaware (or if Delaware has no record of ownership of other property for which registration of ownership is required), property liens must be checked along with ownership in all other states which the Court has required you to check.

8. DESCRIBE ATTEMPTS TO LOCATE. If you have been unable to locate the owner/other parties with an interest in the property, describe all efforts which you have made to locate the name and address of such persons. You must certify here that you have checked for owners and other parties with an interest in the property in all states with which the Court required you to check. Copies of any requests for information and/or information received should be attached.

9. NOTIFICATION. All notices or bills which you have sent or given to the owner(s) or other parties with an interest in the property and the date you sent or gave the notices or bills should be listed and copies should be attached.

10. TIME AND DATE OF SALE. Set the sale date for approximately 60 days from the date of filing with the Court. The sale time should be set for 10:00 a.m.. The sale should be held at the location of the vehicle.

Finally, you should sign the application in front of a notary or court official.

III. PROVIDE NOTICE OF THE SALE

A. At least 15 days prior to the sale, you must advertise the sale for at least one day in a newspaper published or circulated in the county in which the sale is to be held. The advertisement must contain a description of the property including any applicable identification information and the date, time, and location of the sale. In the case of a motor vehicle, the advertisement must include the make, model, year and VIN. You must request that the newspaper mail you an affidavit referencing the advertisement. The original plus one copy of the affidavit must be filed with the Court 5 days prior to the sale.

B. A signed handbill must be posted in five or more public places at least 15 days prior to the sale. The court must be provided with a copy of the handbill along with a list of the posting locations 5 days prior to the sale.

IV. FILE INFORMATION WITH THE COURT. An Authorization to conduct the sale form cannot be furnished until all of the above conditions have been met. **THE SALE CANNOT GO FORWARD WITHOUT THIS AUTHORIZATION FORM.** A disposition of proceeds form

(which you complete to tell the Court how you have disbursed the proceeds of the sale) will be issued to you when you file the authorization form with the Court.

V. FILE THE DISPOSITION OF PROCEEDS FORM. A notarized original of the disposition of proceeds sale, plus one copy, must be filed with the Court within 10 days following the sale.

VI. IF THE PROPERTY IS A MOTOR VEHICLE, RECONTACT THE AUTO THEFT UNIT TO OBTAIN FORM MV-214. Form MV-214 should be taken to Motor Vehicle with the Disposition of Proceeds form so that a clear title may be issued by Motor Vehicle.